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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,818	10/01/1999	JAY S. WALKER	99-034	7518

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WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/410,818

Applicant(s)

WALKER ET AL. *h*

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 1-68 have been examined.

#### ***Response to Amendment***

2. The Amendment filed on August 29, 2002 has been considered but is ineffective to overcome the Keithley and Ferguson reference.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-67 are rejected under 35 USC § 103(a) as being unpatentable over Keithley (5,584,025) in view of Ferguson (5,819,092).

Claim 1: Keithley discloses an apparatus and method for interactive communication for tracking and viewing data. Keithley further discloses that home information can be transmitted to a viewer (col 4, lines 10-13). Keithley fails to explicitly disclose that the information provider (homeowner) is compensated for providing their information. However, Ferguson discloses an online service development tool with fee setting capabilities. Ferguson further discloses that a content provider can be paid for providing information (col 3, lines 50-55) based on a modifiable system (col 4, lines 60-62). It would have been obvious to one of ordinary skill in the art to add Ferguson's compensating the information provider method to Keithley's method for tracking and

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viewing data. One would have been motivated to do this so that Keithley has a way to award content providers who provide key information.

Claim 2: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses how an Agent may obtain property listing information from a property owner (col 10, lines 52-58).

Claim 3: Keithley and Ferguson disclose a method as in claim 1 above. Keithley does not explicitly disclose periodic compensation. However, Ferguson discloses that content providers can be paid based on a customizable payment system (col 4, lines 60-63). It would have been obvious to one of ordinary skill in the art to add Ferguson's flexible compensation method to Keithley's data tracking and viewing method. One would have been motivated to do this so that Keithley can flexibly award content providers.

Claims 4, 20, 21, 22, and 23: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that a digitized picture (col 13, lines 12-15), video, and graphics (col 9, lines 5-9) of the property are provided.

Claim 5: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that a user may view real estate that need not be for sale but for fostering related ideas of all kinds (col 10, lines 4-12 and col 7 lines 20-23). Keithley does not explicitly state that the real estate is not for sale. However, Ferguson discloses that the content provider can provide valuable informational content (col 4, lines 60-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Ferguson's information alone content to Keithley's data tracking and viewing method. One would have

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been motivated to do this so that Keithley's content providers are not obligated to sell as Ferguson discloses.

Claims 6, 7, 17, 18, and 19: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that the owner information and home address need not be provided to the user (col 8, lines 20-25).

Claims 8, 10, and 13-16: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that the method tracks the number of viewers (col 7, lines 17-23), the popularity of a locale (col 10, lines 30-35), the level of interest in a home (col 7, lines 20-23 and col 11, lines 16-18), and quality of features (profile) of a property (col 9, line 61-col 10, line 1), and the price information (Fig. 9, Price).

Claims 9 and 12: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that a line of credit or special loan can be awarded based on information tracked by the system (col 11, lines 47-53).

Claim 11: Keithley and Ferguson disclose a method as in claim 1 above. Keithley does not explicitly disclose a fixed, predetermined compensation. However, Ferguson discloses that content providers can be paid on a for-fee basis (predetermined amount) (col 3, lines 52-53). It would have been obvious to one of ordinary skill in the art to add Ferguson's flexible compensation method to Keithley's data tracking and viewing method. One would have been motivated to do this so that Keithley can flexibly award content providers.

Claims 24 and 25: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that the viewer may be charged a fee for viewing home information (col 12, line 66- col 13, line 3).

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Claim 26: Keithley and Ferguson disclose a method as in claim 24 above. Keithley further discloses that the viewer can be charged a fee for viewing home information (col 12, line 66- col 13, line 3).

Claims 27, 29-32, 34-39, and 61: Keithley and Ferguson disclose a method as in claims 24, 23, and 60 above. Keithley further discloses that the invention provides detailed data on all aspects of viewership and response, keeping track of this information via access codes (col 1, lines 34-45), and that a viewer can be charge a fee based on usage of the service and the access codes (col 12, line 64-col 13, line 3).

Claim 28: Keithley and Ferguson disclose a method as in claims 24 above. Keithley further discloses that the invention provides detailed data on all aspects of viewership and response, keeping track of this information via access codes (col 1, lines 34-45), and that a viewer can be charge a fee based on usage of the service and the access codes (col 12, line 64-col 13, line 3). Keithley does not explicitly state that the fee can be based on at least one of the appraised value of the home, the potential selling price of the home, and the difference between the appraised value and the potential selling price. However, Ferguson discloses a complex fee setting tool based on multiple attributes (col 4, lines 30-32), that the fee setting tool can set the compensation level for content providers for valuable information (col 4, lines 60-67), and that the viewer can be charge for the information based on the complex fee setting tool scripting (col 4, lines 30-32, col 4, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art to add Ferguson's complex fee setting to Keithley's charging the viewer for viewing data. One would have been motivated to do this so that Keithley has a way to charge for the level of content provided as Ferguson discloses.

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Claim 33: Keithley and Ferguson disclose a method as in claims 24 above. Keithley further discloses that the invention provides detailed data on all aspects of viewership and response, keeping track of this information via access codes (col 1, lines 34-45), and that a viewer can be charge a fee based on usage of the service and the access codes (col 12, line 64-col 13, line 3). Keithley further discloses that demographic information on the viewer be collected (col 14, lines 58-65).

Claims 40-44: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that viewer information, viewer home preferences (col 13, lines 31-40), and viewer interest in a home can be received (col 7, lines 20-23). Keithley further discloses that based on this information a set of home information can be sent to the user (col 13, lines 37-40) and the homes can be for sale (col 13, lines 44-45).

Claims 45-46, 54, and 62: Keithley and Ferguson disclose a method as in claim 1 above, claim 53 below, and claim 58 below. Keithley further discloses that the user can shop for homes on the service and that there are databases for receiving the purchase information (col 10, lines 4-5 and col 10, lines 58-62). Keithley further discloses that the owner is notified of the offer (col 10, lines 64-67).

Claims 47 and 55: Keithley and Ferguson disclose a method as in claims 45 and 54 above. Keithley further discloses that the end user need not provide their information (col 7, lines 20-23).

Claim 48: Keithley and Ferguson disclose a method as in claim 45 above. Keithley further discloses that the end user enters their purchase price (col 13, lines 31-33).

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Claim 49: Keithley and Ferguson disclose a method as in claim 45 above. Keithley further discloses that owner information is stored in the property profiles database (col 6, lines 30-32) and that transactions information is stored in a transactions database (col 10, lines 58-63). While Keithley does not explicitly state that the owner can be penalized for not selling, Keithley infers that the Agent could take such actions utilizing the information in these databases.

Claim 50: Keithley and Ferguson disclose a method as in claim 46 above. Keithley further discloses that owner information is stored in the property profiles database (col 6, lines 30-32) and a Market Data Database are used to track owner interest and information (col 10, lines 58-67).

Claim 51: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that a home picture can be displayed (col 13, lines 12-15) and that the homeowner can remain anonymous (col 8, lines 20-25). Keithley, therefore, infers that owner identifying information can be taken out of the picture.

Claims 52-53, 56-58, 63-64, and 66-67: Keithley discloses an apparatus and method for interactive communication for tracking and viewing data. Keithley further discloses that home information can be transmitted to a viewer using a remote viewing device (col 4, lines 10-13). Keithley further discloses that a picture of the home can be made available (col 13, lines 12-15). Keithley further discloses that the homeowner can remain anonymous (col 8, lines 20-25) and that the viewer can be charged (col 12, line 66-col 13, line 3). Keithley further discloses that an Agent obtains property listing information from an owner for sale (col 10, lines 52-58). Keithley further discloses that the user can indicate their interest in a home (col 7, lines 20-23). Keithley further discloses the user providing an offer to purchase the home (col 13, lines 30-53). Keithley



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does not explicitly disclose that the information provider (homeowner) is compensated for providing their information. However, Ferguson discloses an online service development tool with fee setting capabilities. Ferguson further discloses that a content provider can be paid for providing information (col 3, lines 50-55) based on a modifiable system (col 4, lines 60-62). It would have been obvious to one of ordinary skill in the art to add Ferguson's compensating the information provider method to Keithley's method for tracking and viewing data. One would have been motivated to do this so that Keithley has a way to award content providers who provide key information.

Claim 59: Keithley and Ferguson disclose a method as in claim 58 above. Keithley further discloses that a user may view real estate that need not be for sale (col 10, lines 4-12 and col 7 lines 20-23). Keithley further discloses that the user can shop for homes on the service and that there are databases for receiving the purchase information (col 10, lines 4-5 and col 10, lines 58-62).

Claim 60: Keithley discloses an apparatus and method for interactive communication for tracking and viewing data. Keithley further discloses that home information can be transmitted to a viewer using a remote viewing device (col 4, lines 10-13). Keithley further discloses that a picture of the home can be made available (col 13, lines 12-15). Keithley further discloses that the viewer can be charged (col 12, line 66-col 13, line 3). Keithley further discloses that an Agent obtains property listing information from an owner for sale (col 10, lines 52-58). Keithley further discloses that the user can indicate their interest in a home (col 7, lines 20-23). Keithley further discloses the user providing an offer to purchase the home (col 13, lines 30-53). Keithley also does not explicitly disclose that the offer to purchase the home can be made remotely.

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However, Ferguson discloses an online service development tool with fee setting capabilities. Ferguson further discloses the user providing an offer to purchase the item from the remote viewing device (col 3, lines 62-65). It would have been obvious to one of ordinary skill in the art to add Ferguson's remote purchasing offer to Keithley's method for tracking and viewing data. One would have been motivated to do this so that Keithley's user's can benefit from the convenience of remote purchasing as Ferguson discloses.

Claim 65: Keithley and Ferguson disclose a method as in claim 64 above. Keithley further discloses that the user can shop for homes on the service and that there are databases for receiving the purchase information (col 10, lines 4-5 and col 10, lines 58-62) including the offer price made by the viewer (col 13, lines 31-33). Keithley further discloses that the owner is notified of the offer (col 10, lines 64-67) and that marketing data information can be used by the Agent to make notification decisions (col 10, lines 58-67).

Claim 68: Keithley and Ferguson disclose a method as in claim 1 above. Keithley further discloses that the compensation information includes one or more of an appraised value of home, a location of home, an expected interest of viewers in the home, a level of anonymity maintained with respect to the homeowner of the home, and a current market price of the home (col 7, lines 17-23; col 10, lines 30-35; col 7, lines 20-23; col 11, lines 16-18; col 9, line 61-col 10, line 1; Fig. 9, Price; and col 8, lines 20-25).

### ***Response to Arguments***

4. In reference to Claim 1, the Applicant states in the amendment that Keithley charges fees to the user but does not disclose who receives the compensation. The Applicant also states that

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Ferguson charges fees to a user and pays the content provider. The Examiner notes that the homeowner allowing information on their home to be displayed is a content provider. Examiner notes that paying fees to a content provider is well known to society and that, additionally, Ferguson demonstrates this feature. Therefore, it is obvious to one skilled in the art that the content provider, in this case the homeowner, can be compensated for providing their information.

In reference to Claim 5, see the rejection above.

In reference to Claim 10 and 13-19, the combination of Keithley and Ferguson is discussed above. Ferguson discloses a complex fee setting tool based on several attributes (col 4, lines 30-32) and that the fee setting tool can compensate content providers for valuable information (col 4, lines 60-67).

In reference to Claim 28, see the rejection above.

In reference to Claim 33, see the rejection above.

In reference to Claims 47 and 55, as the Applicant states in the amendment, Keithley discloses an anonymous viewer. Also, as the Applicant states in the amendment, Keithley discloses making an offer for a purchase. Keithley does not disclose that the user making the purchase offer disclose their identity. Therefore, it is inherent that the user's identity can remain anonymous.

In reference to Claim 60, see the rejection above.

In reference to Claim 68, see the rejection above.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

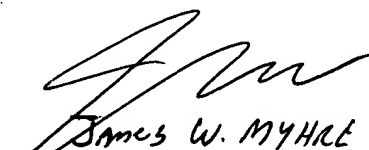
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AD

October 4, 2002

  
James W. MYHRLE  
PATENT EXAMINER  
ART UNIT 3622